

ATTACHMENT 1

August 28, 2017

VIA CM/ECF Filing

Honorable Roy S. Payne
United States Magistrate Judge
Sam B. Hall, Jr. Federal Building and
United States Courthouse
100 East Houston Street
Marshall, TX 75670

Re: Huawei Techs Co. Ltd. v. T-Mobile US, Inc., Nos. 2:16-cv-00052, -00055, -00056, -00057

Dear Judge Payne:

Defendants T-Mobile US, Inc. and T-Mobile USA, Inc. (“T-Mobile”) and Intervenor Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy and Telefonaktiebolaget LM Ericsson and Ericsson Inc. (collectively, “Intervenors”) file this letter in response to Huawei’s August 24, 2017 letter to the Court regarding trial scheduling in these four cases. (Dkt. 333-1, -52 case.) Since Huawei filed its letter, the Court *sua sponte* issued an order confirming jury selection for October 2, 2017, and the presentation of evidence to begin on October 10, 2017 for Case No. 2:16-cv-52. (-52 Case Doc No. 336). In the same Order, the Court reset jury selection for Case Nos. 2:16-cv-55, 2:16-cv-56, and 2:16-cv-57 for November 6, 2017.

During the August 22 hearing before Your Honor, the parties were informed that the second trial in November would be limited to eight or nine hours per side. Based on that information, T-Mobile and the Intervenor explained that the -55 case cannot be practically and appropriately tried in 8-9 hours per side, but that it could be sufficient for the -56 case given that the case only involves one patent. Nothing has changed.

In arguing that the -55 case “is in many respects more like a two patent case than a four patent case,” Huawei overlooks that the -55 case involves four sets of asserted claims, and Huawei has asserted distinct infringement theories for each set of claims. Additionally, Huawei overlooks that T-Mobile’s counterclaims also need to be tried. Furthermore, 8-9 hours per side would be impractical even for only two patents.

For these reasons, T-Mobile and the Intervenor respectfully request that the Court proceed with an October trial of the -52 as scheduled. If the Court has room for a second trial in November, T-Mobile and the intervenors respectfully submit that only the 056 case can be tried fairly in the available window. Finally, T-Mobile and the Intervenor respectfully renew their request that before scheduling a second trial, the Court order the parties to mediation following a jury verdict in the -52 case.

Respectfully submitted,

By: /s/ Mark N. Reiter

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